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Before The
FEDERAL COMMUNICATIONS COMMISSION FCC-MAIL ROOM
Washington, D.C. 20554

In re Applications of

ERIC R. HILDING

JUDY YEP HUGHES

For Construction Permit for a
New FM Station on Channel 28.1A
in Windsor, California

) MM DOCKET NO. 93-95

) File No. BPH-911115MR

) File No. BPH-911115MT

To: Review Board

REPLY TO:

CONSOLIDATED BRIEF &
LIMITED EXCEPTIONS
OF JUDY YEP HUGHES

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September 24, 1993

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New FM Station on Channel 281A)	
in Windsor, California)	

To: Review Board

I. REPLY TO

CONSOLIDATED BRIEF &
LIMITED EXCEPTIONS
OF JUDY YEP HUGHES

A. The Hughes pleading is illegally seeking to
promote a wider margin of Racial Division
and Unconstitutional Reverse Discrimination

In its pleading, Hughes complains of an alleged failure of the Summary Decision in this case to award her a "...minority ownership...weight that is equal to the combination of [both] local residence and participation in civic affairs...", and that she "...was the overwhelmingly favored applicant". 1/

This claim erroneously paraphrased the referenced Summary Decision which stated "... (local residency and minority ownership are entitled to equal substantial weight)..." 2/

1/ Hughes pleading, page 2 @ pn2

2/ Summary Decision, page 3 @ fn5

The Hughes request seeks to intensify and widen the existing racial abyss created by Metro. 3/ It also blatantly asks for an escalated degree of Reverse Discrimination against applicant Hilding who was involuntarily born a Caucasian male.

Realistically, the racial preference policies employed by the FCC in comparative licensing proceedings are discriminatory classifications by government that are inherently suspect, presumptively invalid and subject to stringent scrutiny under the equal protection guarantee implicit in the due process clause of the Fifth Amendment.

Metro was a poor decision which needs overturning, because of the inherent conflict and inconsistencies of law which have resulted. Laws are to be consistent, but Metro has involuntarily thrust applicant Hilding into the bowels of administrative, judicial and legislative inconsistency.

As a Caucasian male licensed real estate agent and as a (future) broadcast station owner/employer, Hilding is legally bound by both Federal and State statutes to insure he does not discriminate against any other person for reasons of race, sex, age, color, National origin, etc. 4/ 5/ 6/

3/ Metro Broadcasting, Inc. v. FCC, 110 S. Ct. (1990)

4/ Title 7 Civil Rights Act Of 1964 As Amended, 42 U.S.C. Section 2000e-2a

5/ Fair Housing Act As Amended, 24 C.F.R. 100.110

Therefore inconsistently, Metro clearly discriminates against Hilding by providing a "minority" preference to Hughes simply because she is of an alleged Chinese descent, while Hilding is yet bound not to give any "preferential" (discriminatory) treatment to any other person(s) in either his real estate duties or as a future radio station broadcast owner/employer. Clearly, Metro stinks. The foul odor of its cancerous erosion of Hilding's Civil Rights is intolerable.

Metro has also clearly failed to incorporate sufficient "safeguards" against illegal minority status claims. Since discovery was cut short in this proceeding, it was never really determined in a formal hearing forum as to whether or not Hughes was even entitled to any existing discriminatory "minority" status. Metro itself does not provide "fail safe" mechanisms to insure an applicant such as Hughes is not merely a sham front for any other parties including, but not limited to, relatives, domestic (or foreign) investor/operators or any type of clandestine partnership arrangements promulgated by any other existing broadcast owners.

Metro inherently sets the stage for fraud, deception and abuse by applicants who may refuse to "play by the rules", causing further harm to legitimate Caucasian males. Metro opens a wide hole through which can sail any U.S.S. Deception.

B. The Hughes pleading demonstrates additional factors of the grossly patent unfairness in FCC broadcast application processing policies

Hughes insists upon having both "...superior local residence and civic activities", and claims "overwhelming" favored status as an applicant. However, Hughes did not lift even one finger to assist in the new FM allotment at Windsor. Hughes did not initiate the Petition For Rule Making. Hughes did not file any supporting comments for the allotment, and Hughes did nothing to help when a counterproposal threatened the allocation. In fact, Hughes filed comments against any type of "Pioneer", "Channel Petitioner" or "Finders" based preference in GC Docket No. 92-52 Reexamination of the Policy Statement on Comparative Broadcast Hearings and alleged Hilding to be a "speculator". Hughes (and FCC policies) fail to acknowledge that without Hilding's initiative and leadership, there would have not been a new channel to apply for in the first place. 7/

The Hughes claims of superior local residency are exaggerated, due to the fact that Hughes resides within the "service area", and not the local community of Windsor. It is any such type of residency preference and Geographical limitations to civic involvement credit which Hilding finds to be further discrimination against him as an applicant.

7/ Hughes' socialistic based comments have perhaps "trickled down" through her Chinese "descent".

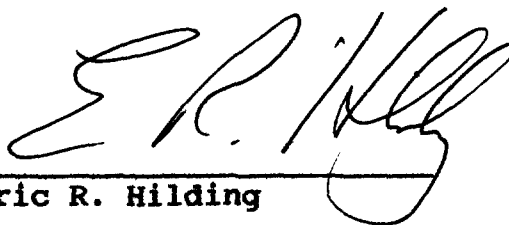
II. CONCLUSION

The Hughes pleading is misleading and should be dismissed as moot. For the reasons set forth herein, and as discussed in the EXCEPTIONS AND BRIEF OF ERIC R. HILDING, grant of the construction permit for new FM Channel 281A at Windsor, California, should be awarded to Eric R. Hilding.

III. DECLARATION

I, Eric R. Hilding, under penalty of perjury, declare the foregoing REPLY TO CONSOLIDATED BRIEF AND LIMITED EXCEPTIONS OF JUDY YEP HUGES to be true and correct of and/or to the best of my personal knowledge and understanding.

Respectfully submitted,



Eric R. Hilding

w/Certificate Of Service

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Date: September 24, 1993

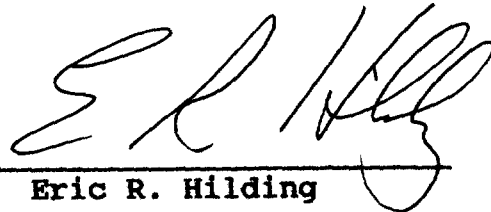
CERTIFICATE OF SERVICE

I, Eric R. Hilding, under penalty of perjury, hereby declare that a copy of this "REPLY TO CONSOLIDATED BRIEF AND LIMITED EXCEPTIONS OF JUDY YEP HUGHES" has been sent via First Class Mail, U.S. postage prepaid, today, September 24, 1993, to the following:

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